

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

JEANETTE K. RIEKER,

Plaintiff,

v.

Civil Action No. 2:06cv335

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (c) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, by Order of Reference filed August 4, 2006, the matter was referred to United States Magistrate Judge Tommy E. Miller for report and recommendation. The Report and Recommendation of the Magistrate Judge was filed on February 28, 2007, and recommends that the defendant's Motion for Summary Judgment be denied. The Report and Recommendation further recommends that the plaintiff's Motion for Summary Judgment seeking relief in the award of disability insurance benefits be denied in part, but granted to the extent of vacating and remanding the Commissioner's decision, and that the matter be remanded for further proceedings consistent with the Report and Recommendation.

By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within ten (10) days from the date the Report and Recommendation was mailed. The court has received no

objections from either party and the time for filing objections has expired.

The court adopts and approves in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed February 28, 2007. Accordingly, it is hereby **ORDERED** that the defendant's Motion for Summary Judgment is **DENIED**, and further, that the portion of the plaintiff's Motion for Summary Judgment requesting relief in the award of disability insurance benefits is **DENIED**, but the portion of the motion requesting that the Commissioner's decision be vacated and remanded is **GRANTED**. The court **VACATES** the decision of the Commissioner denying benefits and **REMANDS** the matter for further proceedings consistent with the Report and Recommendation.

Further, the court **GRANTS** the parties' joint request to place the enclosures to the plaintiff's Reply Memorandum under seal. The enclosures shall be **SEALED** until further order of this court.

The Clerk is **REQUESTED** to send a copy of this Order to the pro se plaintiff and to counsel of record for the defendant. The plaintiff is **ADVISED** that she may appeal from this final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within sixty (60) days from the date of this Order.

It is so **ORDERED**.

/s/
Jerome B. Friedman
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
March 23, 2007